

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NAPTALI ARMANDO ORELLANA,
#01730384,

Plaintiff,

V.

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, et al.,

Defendants.

Case No. 6:21-cv-047-JDK-KNM

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Naptali Armando Orellana, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On February 2, 2021, Judge Mitchell severed and transferred several of Plaintiff's claims to other courts for proper venue. Docket Nos. 4, 5, 6. Judge Mitchell also ordered Plaintiff to amend his complaint against the remaining Defendant in this action to allege, among other things, how Defendant Babcock was personally involved in any violation of his rights. Docket No. 8. Plaintiff did not comply with that order.

On June 15, 2021, Judge Mitchell issued a Report and Recommendation recommending that Plaintiff's case be dismissed without prejudice for failure to

prosecute and failure to comply with a Court order. Docket No. 13. Plaintiff filed a letter on July 12, 2021, which the Court construes as timely objections. Docket No. 15.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objections, Plaintiff asserts that he has been tortured and asks the Court to “continue on & investigate” his case. Docket No. 15 at 1. But Plaintiff has not submitted an amended complaint as previously ordered or sought additional time to do so. Further, Plaintiff does not allege any actions or inactions by Defendant Babcock. It is not the role of the Court to investigate and craft Plaintiff’s claims, and the Court has allowed Plaintiff ample opportunity to do so for himself.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 13) as the opinion of the District Court. It is therefore **ORDERED** that Plaintiff’s claims are **DISMISSED** without prejudice for want of prosecution and Plaintiff’s failure to comply with a Court order.

So **ORDERED** and **SIGNED** this **27th** day of **July, 2021**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE